

AMENDED IN SENATE MAY 3, 2000

AMENDED IN SENATE APRIL 3, 2000

**SENATE BILL**

**No. 1474**

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**Introduced by Senators Lewis, Johnson, Knight, Leslie,  
McPherson, Monteith, Mountjoy, Poochigian, and Rainey**  
*(Coauthor: Senator Polanco)*

February 10, 2000

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An act to add Section 729.4 to the Welfare and Institutions Code, relating to juvenile probation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1474, as amended, Lewis. Juvenile probation.

Existing law provides that a juvenile court may make all reasonable orders necessary for the care, supervision and maintenance of a minor, including probation. Existing law also provides that minors found violating certain laws shall be required to fulfill certain conditions as part of probation unless the court makes an explicit finding it would not be appropriate.

Existing law, Proposition 21, an initiative statute approved by the voters at the March 7, 2000, primary election, enacted provisions for granting deferred entry of judgment to certain minors who are 14 years of age or older and who have committed a felony, but who meet other specified criteria.

This bill would provide that the court shall require any minor who is placed on probation for violating a law that involves the possession or use of a pistol, revolver, or other firearm capable of being concealed on the person, or who is

granted deferred entry of judgment with respect to the violation of that law, to inform the supervising probation officer when, where, and from whom the minor obtained the weapon as a condition of the probation, except as specified. The bill would also require that the probation officer notify the district attorney of this information thus establishing a state-mandated local program. This bill would further provide that any information so provided by the minor, or any information derived from it, shall not be used as evidence against the minor in any juvenile or criminal proceeding, *and that the name and identity of any minor who provides this information shall be kept confidential, as specified.*

The California Constitution requires that relevant evidence shall not be excluded from any criminal proceeding by statute except upon a  $\frac{2}{3}$  vote in each house of the Legislature.

Because the bill would amend Proposition 21 by imposing additional conditions for the granting of deferred entry of judgment to certain minors, the bill would require a  $\frac{2}{3}$  vote.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 729.4 is added to the Welfare and
- 2 Institutions Code, to read:
- 3 729.4. (a) ~~If~~—*Subject to subdivision (b), if* a minor is
- 4 found to be a person described in Section 602 by reason
- 5 of the commission of an offense that includes as an
- 6 element of the offense the possession or use of a pistol,

1 revolver, or other firearm capable of being concealed on  
2 the person, the court as a condition of probation, or as a  
3 condition of granting deferred entry of judgment  
4 pursuant to Article 20.5 (commencing with Section 790),  
5 except in any case where the court makes a finding and  
6 states on the record its reasons that the condition would  
7 be inappropriate, shall require the minor to inform the  
8 supervising probation officer, within 30 days of  
9 placement on probation *or granting of deferred entry of*  
10 *judgment*, when, where, and from whom the minor  
11 obtained the firearm.

12 (b) *The condition of probation or condition of*  
13 *granting deferred entry of judgment required by this*  
14 *section shall not be imposed unless the court finds that the*  
15 *disclosure required by subdivision (a) would not pose a*  
16 *threat to the life or safety of the minor.*

17 (c) The supervising probation officer shall promptly  
18 notify the district attorney of the information that the  
19 minor provides pursuant to subdivision (a).

20 ~~(e)~~

21 (d) Any information provided by a minor to a  
22 probation officer as required under subdivision (a) and  
23 any other information derived from that information  
24 shall be excluded as evidence in any juvenile or criminal  
25 proceeding against the minor, *including probation*  
26 *violations.*

27 (e) *When transmitting information or notifying any*  
28 *person of information obtained pursuant to this section,*  
29 *the name and identity of any minor who provided that*  
30 *information pursuant to this section shall be kept*  
31 *confidential.*

32 SEC. 2. Notwithstanding Section 17610 of the  
33 Government Code, if the Commission on State Mandates  
34 determines that this act contains costs mandated by the  
35 state, reimbursement to local agencies and school  
36 districts for those costs shall be made pursuant to Part 7  
37 (commencing with Section 17500) of Division 4 of Title  
38 2 of the Government Code. If the statewide cost of the  
39 claim for reimbursement does not exceed one million

1 dollars (\$1,000,000), reimbursement shall be made from  
2 the State Mandates Claims Fund.

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